



11-19-04

1652

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Shah et al	Examiner:	Yong D. Pak
Serial No.:	10/035,918	Group Art Unit:	1652
Filed:	12/28/2001	Docket:	047711/0293
Title:	METHOD FOR FORMULATING A GLUCOSE OXIDASE ENZYME WITH A DESIRED PROPERTY OR PROPERTIES AND A GLUCOSE OXIDASE ENZYME WITH THE DESIRED PROPERTY		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as Express Mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 18, 2004.

By: \_\_\_\_\_

  
Richard Ruggiero

Commissioner for Patents  
Alexandria, VA 22313  
Sir:

We are transmitting herewith the attached:

- ☒ Information Disclosure Statement Transmittal (in duplicate)
- ☒ Form PTO/SB/08
- ☒ Cited References (7)
- ☒ Copy of European search report
- ☒ Return postcard
- ☒ Check in the amount of 180.00

Please charge any fees associated with this transmittal to Deposit Account No 50-0872. A duplicate of this sheet is enclosed.

Date: November 18, 2004  
FOLEY & LARDNER LLP  
2029 Century Park East  
35<sup>th</sup> Floor  
Los Angeles, CA 90067-3021  
1-310-277-2223 Office  
1-310-557-8475 Fax

By: \_\_\_\_\_

  
Name: Ted Rittmaster  
Reg. No.: 32,933  
TRR/rsr



Atty. Dkt. No. 047711-0293

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Rajiv SHAH, et al.

Title: METHOD FOR FORMULATING  
A GLUCOSE OXIDASE  
ENZYME WITH A DESIRED  
PROPERTY OR PROPERTIES  
AND GLUCOSE OXIDASE  
ENZYME WITH THE DESIRED  
PROPERTY

Appl. No.: 10/035,918

Filing Date: 12/28/2001

Examiner: Yong D. Pak

Art Unit: 1652

CERTIFICATE OF EXPRESS MAILING  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service's "Express Mail Post Office To  
Addressee" service under 37 C.F.R. § 1.10 on the date indicated  
below and is addressed to: Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450.

**EV420552750US**

(Express Mail Label Number)

(Date of Deposit)

**Richard Ruggiero**

(Printed Name)

*Richard Ruggiero*

(Signature)

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to  
Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.  
A copy of each listed document is being submitted to comply with the provisions of 37 CFR  
§1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not  
intended as an admission that such document constitutes prior art against the claims of the  
present application or that such document is considered material to patentability as defined in  
37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be  
appropriate to antedate or otherwise remove as a competent reference any document which is  
determined to be a *prima facie* art reference against the claims of the present application.

11/22/2004 JBALINAN 00000098 10035918

01 FC:1806

180.00 DP

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

**STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

The undersigned hereby states in accordance with 37 CFR §1.704(d) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the information disclosure statement..

**FEE**

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date November 18, 2004

By 

FOLEY & LARDNER LLP  
Customer Number: 23392  
Telephone: (310) 975-7963  
Facsimile: (310) 557-8475

Ted R. Rittmaster  
Attorney for Applicant  
Registration No. 32,933

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitution for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: November 18, 2004 (Indicate as many sheets as necessary)		<b>Complete if Known</b>	
Application Number	10/035,918		
Filing Date	12/28/2001		
First Named Inventor	Rajiv Shah et al		
Group Art Unit	1652		
Examiner Name	Yong D. Pak		
Attorney Docket Number	047711-0293		
Sheet	1	of	1

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	4,543,326		Miyashita et al.	09/24/1985	
	A2	5,602,018		Kopetzki et al.	02/11/1997	
	A3	5,834,224		Ruger et al.	11/10/1998	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			
	A4		WO95/00662		Boehringer Mannheim Corporation	01/05/1995	
	A5		WO96/40935		Biotechnologisk institut	12/19/1996	
	A6		08242860		Toyobo Co Ltd	09/24/1996	

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A7	Valedes T I Et Al.: "In vitro and in vivo degradation of glucose oxidase enzyme used for an implantable glucose biosensor." DIABETES TECHNOLOGY & THERAPEUTICS. 2000 AUTUMN, vol. 2 no. 3, October 2000 (2000-10), pages 367-376, XP009039098 ISSN: 1520-9156 – Entire document	
	A8	European Search Report – European Application Number 02773635-4 dated November 4, 2004	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.